

PATENT APPLICATION FEE DETERMINATION RECORD
Effective November 10, 1998

Application or Docket Number

09/393.590

CLAIMS AS FILED - PART I

	(Column 1) NUMBER FILED		(Column 2) NUMBER EXTRA
FOR			
BASIC FEE			
TOTAL CLAIMS	5 minus 20 =		• 33
INDEPENDENT CLAIMS	3 minus 3 =		•
MULTIPLE DEPENDENT CLAIM PRESENT			

SMALL ENTITY
TYPE ☐

OR
OTHER THAN
SMALL ENTITY

RATE	FEE
	380.00
X\$ 9=	
X39=	
+130=	
TOTAL	

RATE	FEE
	760.00
X\$18=	594
X78=	
+260=	
TOTAL	1354

SMALL ENTITY

OR
OTHER THAN
SMALL ENTITY

RATE	ADDI- TIONAL FEE
X\$ 9=	
X39=	
+130=	
TOTAL	
ADDIT. FEE	

RATE	ADDI- TIONAL FEE
X\$18=	
X78=	
+260=	
TOTAL	
ADDIT. FEE	

CLAIMS AS AMENDED - PART II

12-01-07

	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR		(Column 3) PRESENT EXTRA
AMENDMENT A	Total		• 53	Minus	• 53
	Independent		• 3	Minus	• 3
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM				

	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR		(Column 3) PRESENT EXTRA
AMENDMENT B	Total		• 54	Minus	• 53
	Independent		• 2	Minus	• 3
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM				

	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR		(Column 3) PRESENT EXTRA
AMENDMENT C	Total			Minus	
	Independent			Minus	
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM				

RATE	ADDI- TIONAL FEE
X\$ 9=	
X39=	
+130=	
TOTAL	
ADDIT. FEE	

RATE	ADDI- TIONAL FEE
X\$18=	50 ^c
X78=	
+260=	360 ^c
TOTAL	410
ADDIT. FEE	

RATE	ADDI- TIONAL FEE
X\$ 9=	
X39=	
+130=	
TOTAL	
ADDIT. FEE	

RATE	ADDI- TIONAL FEE
X\$18=	
X78=	
+260=	
TOTAL	
ADDIT. FEE	

- * If the entry in column 1 is less than the entry in column 2, write "0" in column 3.
- ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20."
- *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3."
- The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.



EXPRESS MAIL NO. EV578080552US

PATENT
ATTORNEY DOCKET NO. 31242.701.201

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Elizabeth Moyer et al.)

Serial No.: 09/393,590)

Filed: September 9, 1999)

Title: STABLE LIQUID FORMULATIONS
OF BOTULINUM TOXIN)

Confirmation No. 2967

Art Unit: 1645

Examiner: DEVI, S.J.N.

AMENDMENT

Mailstop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Introductory Comments:

The Office Action mailed, July 21, 2005, has been carefully studied. Please reconsider the above-identified application. This response is being submitted on or before the due date of October 21, 2005.

Please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims that begins on page 2 of this paper.

Remarks/Arguments begin on page 9 of this paper.

C:\NrPortb\IPALIB\SLI\2703304_3.DOC

10/04/2005 KDOWNING 00000004 232415 09393590
01 FC:1202 50.00 DA
02 FC:1203 360.00 DA

CONCLUSION

In summary, Applicants submit that the references cited by the Examiner do not anticipate or render obvious the instant claims. Particularly, the references, either alone or in combination, fail to disclose:

- A stabilized pharmaceutical liquid botulinum toxin formulation comprising:
- A therapeutic concentration suitable for use in humans of purified botulinum toxin
- Buffered saline between pH 5 and pH 6
- Which is capable of being stable for at least a year between 0 and 10 degrees centigrade, +/- 10%, or for at least 6 months between 10 and 30 degrees centigrade, +/- 10%.

In light of the remarks set forth herein, Applicants believe that they are entitled to a letters patent. Applicants respectfully solicit the Examiner to expedite the prosecution of this patent application to issuance. Please charge any fee due in connection with this submission to Deposit Account No. 23-2415. Should the Examiner have any questions, the Examiner is encouraged to telephone the undersigned.

Respectfully submitted,

Date: September 13, 2005

By:



Albert P. Halluin
Reg. No. 25,227

Lorelei P. Westin
Reg. No. 52,353

650 Page Mill Road
Palo Alto, California 94304-1050
(650) 849-3330
(858) 350-2307
Customer No. 021971